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November 24, 2020

VIA ECF & E-MAIL (CronanNYSDChambers@nysd.uscourts.gov)

Hon. John P. Cronan, U.S.D.J.
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Valentini v. Group Health Incorporated, et al., No. 1:20-cv-09526

Your Honor:

This firm represents Defendants, CareCore National LLC d/b/a eviCore (“eviCore”), the entity named in the Complaint as Group Health Incorporated now formally EmblemHealth Plan, Inc. (hereinafter for the avoidance of confusion “GHI”) and Emblem Health, Inc. (“Emblem”) (GHI and Emblem collectively the “Emblem Defendants”), in the above action. As Your Honor is aware, on November 12, 2020, eviCore filed a Notice of Removal, removing this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York. *See* ECF No. 1.

This past Friday, November 20, 2020, the undersigned learned that GHI had been served via the Secretary of State as their statutory agent with the Summons and Complaint in this matter on October 23, 2020. Service was effective that date pursuant to Section 306(b) of the New York Business Corporations Law. Therefore, my statement in eviCore’s Notice of Removal that GHI had not been served as of the date of that filing (November 12, 2020), was incorrect.

We write promptly to correct this inaccuracy. According to the documents we have received, the Secretary of State did not mail the Summons and Complaint to GHI until November 12, 2020, the day the Notice of Removal was filed. The Summons and Complaint were received at GHI’s corporate headquarters on November 16, 2020. November 12 was the last day last day permitted under the statute for eviCore to file its Notice of Removal and neither eviCore nor the Emblem Defendants had actual notice that GHI had been served until four days after that date.

Further in light of the foregoing, we must respectfully request an extension of time through and including December 9, 2020 to file a response on behalf of GHI. Based upon the date of service on the Secretary of State, GHI’s time to respond to the Complaint expired on November 19, 2020. GHI makes this application because, as set forth above, counsel were unaware of the original deadline to respond due to the fact that they did not know that service had been made until November 20, 2020. No previous requests for an extension have been made on behalf of GHI.

GIBBONS P.C.

Hon. John P. Cronan, U.S.D.J.
November 24, 2020
Page 2

Alternatively, if GHI's request for an extension of time to answer or otherwise respond to the Complaint is denied, GHI herewith joins in the pre-motion letter submitted by Defendant eviCore on November 19, 2020, ECF No. 6, and respectfully asks leave to supplement that pre-motion letter with one of their own.

We thank Your Honor for your kind consideration of this request. Please do not hesitate to have the Court's staff contact me with any questions about the foregoing or if we may be of assistance to the Court whatsoever.

Respectfully,

s/ E. Evans Wohlforth, Jr.

E. Evans Wohlforth, Jr.

cc: Steve Cohen, Esq. (via e-mail and overnight courier)
Jordan K. Merson, Esq. (via e-mail and overnight courier)